



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

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MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

By His Excellency
MITT ROMNEY
Governor

EXECUTIVE ORDER 470

**ORDER RECONSTITUTING THE JUDICIAL NOMINATING COMMISSION AND
ESTABLISHING A CODE OF CONDUCT FOR COMMISSION MEMBERS AND
NOMINEES TO JUDICIAL OFFICE**

Superseding Executive Order 445 (03-3) (and amendments thereto)

WHEREAS, the Constitution of the Commonwealth of Massachusetts, Part One, Article XXIX, guarantees every citizen the right to judges as "free, impartial and independent as the lot of humanity will admit;" and

WHEREAS, under the Constitution and laws the Governor is charged with the responsibility for nominating and appointing, with the advice and consent of the Executive Council, all judicial officers; and

WHEREAS, the quality of our system of administering justice is determined largely by the quality of the judicial officers appointed to serve within our judicial system; and

WHEREAS, public trust and confidence in the judiciary begins with the process by which judges are appointed to the bench; and

WHEREAS, the pre-eminent consideration for the selection of judicial officers ought to be merit, including men and women who by intellect, work ethic, judgment, temperament, experience, competence and integrity demonstrate the capacity and commitment to sensibly, intelligibly, promptly, impartially and independently interpret the laws and administer justice; and

WHEREAS, judicial candidates should be drawn from a cross-section of our community, representing not only geographically diverse parts of the Commonwealth, but reflecting as well a diversity of our citizens; and

WHEREAS, the highest quality of judicial officer appointments can best be assured by the use of a non-partisan, non-political Judicial Nominating Commission composed of outstanding citizens in aid to the discretion reposed in

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the Governor, drawn from all quarters of the Commonwealth and a cross-section of its diverse population;

NOW, THEREFORE, I, Mitt Romney, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution as Supreme Executive Magistrate, Part 2, c. 2, § 1, Art. I, do hereby revoke Executive Order 445 and amendments thereto, and order as follows:

1.0 Commission and Scope: A Judicial Nominating Commission ("Commission") is hereby established to identify and invite application by persons qualified for judicial office and to advise the Governor with respect to appointments of judges in the Appeals Court and Trial Court departments and clerk-magistrates and Recorder of the Land Court.

1.1 Membership: The Commission shall consist of twenty-one persons, including the Chairperson, appointed by the Governor and serving at his pleasure ("Commissioners"), of which a quorum shall consist of thirteen Commissioners. To the extent practicable, the Commissioners shall reflect diversity of race, gender, ethnicity, geography and, among Commissioners who also are members of the bar, various practice areas and size of practice.

1.2 Officers: The officers of the Commission shall consist of the Chairperson, appointed by the Governor, and a Vice Chairperson designated by the Chairperson from among the Commissioners appointed by the Governor. The Chairperson shall preside at all meetings of the Commission, except that the Vice Chairperson shall preside in the absence of the Chair and a Commissioner designated by the Chair shall preside in the absence of both the Chair and Vice Chair. The Vice-Chair's term will be one-year. The Executive Director or, subject to the direction of the Executive Director a staff member of the Commission shall serve as the Clerk to the Commission during meetings and assist the Chairperson as she may request during such meetings.

1.3 Qualification of Members: Commissioners shall have demonstrable knowledge of the judicial system and experience in the needs and operation of the Massachusetts courts. Commissioners who are members of the bar shall have at least ten years of relevant experience and shall be members of the Massachusetts bar in good standing. Commissioners who are not members of the Massachusetts bar shall be familiar with the attributes that best qualify a person for appointment as a judicial officer.

1.4 Disqualification of Members: Persons shall be disqualified from nomination to judicial office or from appointment to the Commission as follows:

1.4.1 Ineligibility for Judicial Appointment: Any Commissioner and the Commissioner's immediate family, including persons related to the Commissioner's immediate family by marriage, are disqualified from nomination by the Governor to any judicial office for three years after the last date of the Commissioner's service on the Commission.

1.4.2 Relation to Elected Officials: Any person who holds elected county, state or federal office, and their immediate family members or persons related to their immediate family members by marriage, as well as current or former business or law partners of current such elected officials, shall be disqualified from appointment to the Commission.

1.4.3 Registered Lobbyists: Any person registered as a state or federal lobbyist or executive agent, or any person employed by registered lobbyists or executive agents, shall be disqualified from appointment to the Commission.

1.4.4 Inability to Attend Meetings: Any person unable regularly to attend meetings of the Commission, including interviews of applicants for judicial office unless arrangements have been made to view such interviews by recorded video or participate by teleconference as the Chairperson may allow, shall be ineligible for appointment or shall be removed from the Commission in the sole discretion of the Governor's Chief Legal Counsel.

1.4.5 Violation of Code of Conduct: Violation of the Code of Conduct applicable to Commissioners shall constitute resignation by the Commissioner, as the Governor's Chief Legal Counsel may determine in her sole discretion. In any event, all Commissioners serve a one-year term at the pleasure of the Governor and may be removed without cause.

1.5 Code of Conduct for Commissioners: All persons serving as Commissioners agree to abide by the following code of conduct during their service on the Commission:

1.5.1 No Political Contributions: No Commissioner shall make or solicit other persons to make political contributions on behalf of any candidate for county, state or federal elected office.

1.5.2 Impartiality: No Commissioner shall conduct herself in a manner that reflects discredit upon the judicial selection process or discloses partisanship or partiality in the consideration of applicants. A Commission member shall disclose to the Commission all current or past personal and business relationships with a prospective applicant. In addition to disclosure, a Commissioner shall recuse herself, refrain from voting and absent herself from the room during discussions concerning (a) any applicant who is the current business or law partner of the Commissioner and (b) any such applicants whom the Commissioner believes she is incapable of considering impartially.

1.5.3 Advocacy: After the Commission certifies the names of qualified applicants to the Governor, no Commissioner shall attempt, directly or indirectly, to further influence the decision of the Governor, the Governor's Chief Legal Counsel or any member of the Governor's Council except in response to communications initiated by any of them. No attempt shall be made to rank such applicants or to comment publicly or to disclose any preference of the

Commission concerning applicants. Commissioners shall avoid giving preferential assistance to any applicant to the exclusion of any other applicant.

1.5.4 Confidentiality: Except as otherwise may be necessary for purposes of conducting due diligence of an applicant's qualifications and during Commission meetings, each Commissioner shall keep confidential all information concerning any applicant, except that information which may reflect unfavorably on an applicant's suitability for judicial office shall be disclosed to the Chairperson. The Chairperson shall disclose any such information to the Commission and to investigators employed on behalf of the Commission for purposes of due diligence. No discussions, motions, opinions, votes or facts revealed during meetings of the Commission may be directly or indirectly disclosed by any Commissioner to any person other than another Commissioner in accordance with this Code of Conduct. Except as may be required to conduct due diligence, all substantive communications with applicants outside of meetings and interviews shall be conducted by the Chairperson or her designee.

1.5.5 Ex Parte Communications: Except as may be required during the conduct of due diligence investigations, and excluding communications with the Chairperson and the Executive Director, all communications between Commissioners concerning applicants shall occur in the course of Commission meetings and not otherwise.

1.5.6 Commission Letterhead: All written communications by the Commission or any Commissioner with any applicant or with any person or entity concerning an applicant shall be limited to Commission stationery. No law firm or law practice letterhead stationery shall be used in connection with any such communication.

1.5.7 Conflict of Interest: All Commissioners shall avoid self-promotion in the course of their service and shall not seek any advantage in threatened or pending litigation or in professional or personal relationships related to their service or membership on the Commission. It is inappropriate for any Commissioner to distribute business cards or firm letterhead or advertising that make reference to Commission membership. It is appropriate for a Commissioner to include the fact of appointment on her resume. No Commissioner or her immediate family may accept a gift or anything of value from any applicant, or the immediate family members of any applicant, unless the Commissioner had a bona fide friendship with the applicant and recused herself from participation in consideration of the applicant.

1.5.8 Civility: All Commissioners shall display courtesy and respect to all applicants as well as to other Commissioners. Questioning of applicants that resembles techniques appropriate for cross-examination of a hostile witness is inappropriate for interview of applicants.

1.6 Commission Member Handbook: The Executive Director shall prepare and periodically revise a handbook for Commissioners to inform them of Commission

procedures, forms, protocols and to train Commissioners in the performance of their duty. The handbook may be posted on the Commission website for public inspection. In the event of a conflict between the handbook and the terms of this Executive Order, the Executive Order shall govern.

Section 2.0 Qualifications for Judicial Office: The Governor will not nominate any person for judicial office who does not meet the following minimum qualifications. Any application that fails to conform to these minimum qualifications may be rejected by the administrative staff of the Commission without further action or review by the Commission.

2.1 Applicants for Justice Positions: All applicants for the position of Justice in any court shall meet the following minimum qualifications for consideration by the Governor:

2.1.1 Massachusetts Bar Membership: All applicants shall be a member of the Massachusetts bar in good standing at the time of the application.

2.1.2 Education: All applicants shall be graduates from an accredited undergraduate college or university as well as a law school accredited by the Commonwealth of Massachusetts or American Bar Association.

2.1.3 Residency: All applicants shall be residents of the Commonwealth of Massachusetts at the time of application.

2.1.4 Experience: All applicants shall have minimum levels of legal experience and training as follows:

2.1.4.1 Appeals Court: 13 years.

2.1.4.2 Trial Courts: 10 years.

2.1.5 Citizenship: All applicants shall be citizens of the United States of America.

2.2 Applicants for Magistrate and Recorder Positions: All applicants for the position of Clerk-Magistrate or Land Court Recorder in any court shall meet the following minimum qualifications for consideration by the Governor:

2.2.1 Education: All applicants shall be graduates from an accredited undergraduate college or university or have at least fifteen years of experience in the court applied for or court of comparable jurisdiction.

2.2.2 Residency: All applicants shall be residents of the Commonwealth of Massachusetts at the time of application.

2.2.3 Experience: All applicants shall have minimum levels of training and experience as follows:

2.2.3.1 Members of the Bar: Applicants who are members of the Massachusetts bar shall have been members of the bar for at least three years.

2.2.3.2 Non-Members of the Bar: Applicants who are not members of the bar shall be able to demonstrate at least five years experience in the court applied for; or five years; in a court of comparable jurisdiction; or five years of relevant experience.

2.2.4 Citizenship: All applicants shall be citizens of the United States of America.

2.2.5 Current Clerk-Magistrates: Current Clerk-Magistrates of any Court shall be considered for any vacancy of that department will automatically be considered by the Governor's Chief Legal Counsel as a member of the slate. The applicant shall complete the application in full, submit 5 copies of their application and submit 10 letters of recommendation with the application to the Commission prior to such consideration.

2.3 Code of Conduct for Applicants for Judicial Office: All persons applying for appointment as a judicial officer agree to abide by the following code of conduct while their application is pending:

2.3.1 Telephone and Email Lobbying Prohibited: Lobbying for appointment to judicial office is inconsistent with the dignity of the office and the function of the Commissioners. Applicants for judicial office shall not call or email and shall not cause or encourage other persons to call or email any Commissioner (including the Commissioner's family members or law partners) in support of their application. Applicants who have been invited to an interview with the Commission are permitted to invite persons with actual knowledge of their abilities to write letters to Commissioners in support of their application. The Executive Director and the Commissioners may properly entertain telephone calls that provide material information regarding the fitness of any applicant for judicial office that the caller is reluctant to put in written form out of concern for safety, retaliation, retribution or other legitimate motive. It is appropriate for persons to return telephone calls or emails initiated by a Commissioner.

2.3.2 Political Contributions to Executive Prohibited: No person applying for appointment as a judicial officer shall make any political contribution to the Governor, Lieutenant Governor or Governor's Council at any time while the application is pending.

2.4 Code of Conduct for Nominees for Judicial Office: After an applicant has been informed that he or she will be nominated by the Governor to judicial office, the nominee shall comply with the following code of conduct. Failure materially to comply with the following may result in the nomination being withdrawn prior to receipt of advice and consent by the Council:

2.4.1 Political Contributions Prohibited: After nomination, no nominee shall make any political contribution to any person holding or seeking county, state or federal elected office.

2.4.2 Appearance in Court of Nomination: Except as necessary to seek leave to withdraw from representation, a continuance or to avoid prejudice to a client's interests, or as a judge may otherwise order, no nominee shall appear as counsel in the court or court division to which he or she has been nominated. In the event of appearance, the nominee shall disclose the pendency of the nomination and give opposing counsel or pro se parties an opportunity to object.

2.4.3 Conformance with Canons of Judicial Conduct: All nominees shall comply with Canon 1, Canon 2 and Canon 5 of the Canons of Judicial Conduct, contained within the Rules of the Supreme Judicial Court, except as a client's interests may otherwise require within the bounds of the law.

3.0 Notice of Judicial Office Vacancies: The Executive Director of the Commission shall determine all vacancies mandated by retirement required by the state Constitution which will occur during the Governor's term of office ("mandated vacancies") as well as actual vacancies occasioned by the death, retirement, resignation or removal from judicial office that have occurred ("actual vacancies"). The Executive Director shall update the determination of actual vacancies no less frequently than once quarterly.

3.1 Posting of Mandated and Actual Vacancies: The Executive Director shall cause to be posted on the Commission website all mandated and actual vacancies, listed by department and division and identifying the name of the incumbent judicial officer holding or most recently holding said position, together with date of mandated vacancy. This information also shall be made available by the Executive Director to any member of the public or Commission upon request.

3.2 Rolling Consideration of Applications: All applications of qualified candidates will be reviewed and considered for appointment both as to actual vacancies as well as to mandated vacancies seasonably in anticipation of retirement by the incumbent judicial officer. Applicants for judicial appointment shall be considered for all mandated and actual vacancies as indicated on the application submitted to the Commission. Applicants shall apply for any mandated and actual vacancies four to six months prior to the posted deadline or retirement date.

3.3 Advertisement of Vacancies: The Commission Executive Director, from time to time or as directed by the Chair of the Commission, shall cause to be advertised the pendency of actual and mandated judicial vacancies for consideration by members of the bar and the public. All advertisements shall include the Commission website address as well as a statement to the effect that the Commission encourages applications by qualified persons of diverse gender, race, ethnicity and experience.

4.0 Form of Application: The form of application for a position of Justice shall be similar to that attached as Appendix A, and the form of application for a position of Clerk-Magistrate or Recorder shall be similar to that attached as Appendix B, as may from time to time be amended by subsequent Executive Order.

4.1 Part One of Application: The application form shall be divided into two parts. Part One of the application shall include information reflecting the applicant's name, residential address, age, other personal identifying information, and the names and contact information for all persons serving as references for the applicant. Part One shall include information demonstrating that the applicant meets the minimum qualifications for appointment to judicial office, describe above. A current, one-page resume shall be attached as a cover page to Part One containing brief professional history and educational background. Part One shall be stapled (or clipped if too large) separately from Part Two.

4.2 Part Two of Application: Part Two of the application shall include information reflecting the applicant's qualifications for judicial office. Except as may necessarily be revealed as a qualification, Part Two shall not contain any personal identifying information regarding the applicant. Applicants who are solo practitioners should identify their practice in Part Two without mention of the applicant's name. Names of references shall not be included in Part Two. A writing sample shall be attached as Appendix A-1 to Part Two and shall not exceed 20 pages. Part Two shall be stapled (or clipped if too large) separately from Part One.

4.3 Coding of Applications: The applicant shall code the front page of Part One and the front page of Part Two of each copy of the application, in the upper right corner, with a code which consists of the applicant's middle initial and the last 7 digits of the applicant's social security number (i.e. M9-87-6543). Such coding will permit the Commission Executive Director to index and identify the name of the applicant in Part Two without disclosing the name of the applicant to Commission members.

4.4 Preaddressed Postage Prepaid Envelopes: Each applicant shall be responsible for providing 21 postage-prepaid envelopes, addressed to each Commission member, of sufficient size to permit Part Two of the application including the writing sample to be mailed to the Commissioners. Envelopes should not bear any return address that could identify the applicant. Commissioner addresses are available on the Commission website or by calling the Commission Executive Director. Commission staff will be responsible for mailing Part Two of the application to each Commission member using such envelopes.

4.5 Review of Nominee Application by Governor's Council: The application of any applicant nominated for judicial office may be reviewed by the Governor's Council in the performance of its constitutional duties within the Executive Branch of government while the applicant's nomination is pending. The Governor's Chief

Legal Counsel also may request that the application be reviewed by the Joint Bar Committee. Such applications do not constitute public records.

4.6 Application Instructions: The Executive Director shall prepare and periodically revise instructions for applicants to assist the application process and for ease of use by applicants.

5.0 Application Process: Applicants shall mail or deliver to the Commission office (Judicial Nominating Commission, State House, Room 54, Boston 02133) 24 copies (one original and 23 copies) of Part One and Part Two of the application. Commission staff will forward Part Two of the application to each Commissioner and index and file Part One of the application for future reference. Except as otherwise provided in this Executive Order, no Commission staff person shall provide and no Commission member shall request information regarding the identity of persons who have submitted a Part Two application for review. Current Clerk-Magistrates please refer to 2.2.5.

5.1 Staff Review: The Commission Executive Director is responsible for reviewing all applications for conformity with the qualifications for judicial officers and compliance with this Order. All applications shall be acknowledged in writing and shall include a brief description of the application process. Applications by persons failing to meet minimum qualifications shall be returned to the applicant with an explanatory letter and invitation to reapply after minimum qualifications have been satisfied. Part Two of all applicants meeting the minimum qualifications shall be mailed to each member of the Commission.

5.2 Blind Initial Review: Commissioners shall review Part Two applications to determine who, based on qualifications described in Part Two, will proceed to due diligence and be invited to appear before the Commission for an interview. All applicants who are successful at the stage of the blind initial review shall proceed to due diligence and receive an interview. On motion made by any Commissioner, and supported by at least one-third of those Commissioners casting a vote, a quorum being present, an applicant will proceed to due diligence and be invited for an interview. All votes shall proceed as described in Section 6.0, et seq., below. After the Commission has acted on an application, the Commission Executive Director and or a member of the Commission staff shall disclose a list to each Commission member of the names of applicants accepted for due diligence and an interview.

5.3 Due Diligence: The Executive Director shall assign two or more Commissioners to undertake due diligence responsibility for a particular applicant for report at the next scheduled meeting or such further meeting as the Chair may designate. The Executive Director and/or the JNC Coordinator may assist in the due diligence inquiries as needed. All due diligence research shall utilize a form provided by the Commission Executive Director to assure uniform inquiry and basis for dissemination of due diligence information to the Commission.

5.4 Interview: Any Commissioner may ask questions which in the Commissioner's judgment will assist in performing their function. All questions and comments to applicants shall be courteous, fair, respectful and shall not inquire into particular decisions that a judicial officer has made or will likely be required to make as a judicial officer concerning the merits of any actual case. Applicants may be asked questions concerning their management and administrative capabilities and decisions. Applicants shall be afforded an opportunity to address the substance of any unusually negative commentary arising during the Commission's due diligence inquiries. Applicants may be invited for additional interviews in the discretion of the Commission.

5.4.1 Ad Hoc Subcommittees: Whenever the number of applicants awaiting interview exceeds the ability of the Commission timely to provide recommendations for nomination to judicial office, the Chair in her discretion may designate five or more Commissioners to serve as an ad hoc subcommittee to conduct interviews. Any such subcommittees shall be grouped corresponding to a particular Trial Court department in which actual or mandated vacancies exist which are currently under consideration. The subcommittee shall report its majority findings and recommendations to the Commission for consideration and vote. All voting provisions governing the Commission shall govern votes taken in subcommittee.

5.4.2 Referral to Full Commission: On motion any Commissioner, and vote of at least one-third of those Commissioners casting a vote, a quorum being present, any applicant interviewed by a subcommittee shall be called back for interview by the Commission.

5.5 Deliberations: After completion of due diligence and interviews, Commissioners shall deliberate and discuss the relative strengths and weaknesses of applicants and may consider the particular needs of courts for which actual or mandated vacancies exist in determining relevant strengths and weaknesses of applicants. All information raised in deliberations is strictly confidential and shall not be revealed outside the Commission membership. Using the voting procedure described in 6.0, et seq. below, the Commission shall vote on whether to recommend an applicant to the Governor for nomination. On motion made by any Commissioner, and supported by at least 60% of those Commissioners casting a vote, a quorum being present, an applicant shall be forwarded to the Governor's Office to be considered for nomination.

5.6 Form of Notice to Governor for Nomination: All applicants recommended to the Governor for nomination shall be listed alphabetically by last name with no ranking or indication of preference or vote totals by the Commission, other than to indicate the actual or mandated vacancy, by court or courts, for which the applicant is being suggested.

6.0 Method of Voting: This section shall govern all voting conducted by the Commission with respect to any decision made by an applicant for judicial office. All other voting, such as motions to approve minutes or motions for recess or to

adjourn, may be made by any method announced by the Chair of the Commission. The Commission may not waive these provisions regarding applicant-related voting procedure, except the Chair in her discretion may call for voice votes or show of hands on decisions whether to proceed to due diligence and grant an interview.

6.1 Ballot Form: All ballot forms shall be provided to the Commissioners by the Commission staff, attached as Appendix C to this Executive Order. Each ballot shall include the name of one Commissioner on a preprinted format, with each Commissioner provided ballots in sufficient supply for use at the meetings. The ballot shall include at least 10 lines on which each Commissioner may list their choices when called upon to vote. Each ballot shall include a signature line and the following certification: "By signing this ballot, I hereby swear under the penalties of perjury that I have complied with the Code of Conduct for Commissioners described in Section 1.5 of the Executive Order. I further certify that the foregoing votes represent my own recommendations as a matter of conscience and judgment to the best of my ability." The name of the Commissioner submitting a ballot shall not be announced or made available for review by other Commissioners except the Chair, Governor's Chief Legal Counsel and Commission staff; the name of Commissioners on each ballot shall be maintained for internal use only to assure the integrity of the voting process.

6.1.1 Absentee Ballots: Any Commissioner who the Chair determines is unable for good cause to be present in person to cast her votes may vote by absentee ballot by giving or faxing or mailing her completed and signed ballot form to the Chair or the Executive Director in advance of the vote.

6.1.2 Proxy Votes: Proxy votes are prohibited.

6.2 Voting for Due Diligence and Interview: Voting to determine which applicants will proceed to due diligence and be invited for interview consists of listing of the code number (or name of applicant in the event of reconsideration) of all applicants under consideration. Votes shall be written on the ballot form, signed by the Commissioner, and given to the Executive Director. The Executive Director will announce the names or code numbers of each applicant listed on the ballot form which shall be recorded by the Executive Director or a member of the JNC staff in attendance at the meeting. The Chair and the Executive Director shall not announce the name of the Commissioner casting any particular vote. There is no minimum or maximum number of applicants from those pending who can be listed on the ballot form. Any applicant who receives the votes of at least one-third of those Commissioners voting, a quorum being present, shall proceed to due diligence and be invited for an interview before the Commission.

6.3 Voting for Recommendation for Nomination: Voting for recommendation for nomination shall proceed in the same manner as voting for interview, except:

6.3.1 Number of Votes Required: On motion made by any Commissioner, and supported by at least 60% of those Commissioners casting a vote, a quorum

being present, shall be recommended to the Governor for nomination. Commissioners who have reviewed the qualifications and obtained all relevant information concerning an applicant may vote by absentee ballot given to the Chair and signed by the Commissioner at any time before the vote is conducted.

6.4 Motions for Reconsideration:: At each stage in the review of applications, motions for reconsideration shall be in order. To be successful, a motion for reconsideration shall require the same level of support, a quorum being present, as the vote being reconsidered.

7.0 Transmission to Governor's Office: The list of persons recommended for nomination for each actual or mandated vacancy shall be transmitted by the Commission Chair or the Executive Director to the Governor's Chief Legal Counsel for review, interview or further due diligence as the Chief Legal Counsel may undertake with the assistance of the Commission staff. After review of the applicants recommended for nomination, the Governor may decline to nominate any applicant and seek further recommendations from the Commission.

7.1 Office of Special Investigations: The Chief Legal Counsel may request the assistance of the State Police Special Investigations Unit to undertake further background and due diligence investigation of any person recommended for nomination and may require the applicant to provide releases or further documentation in support of such investigation.

7.2 Joint Bar Committee: Before making recommendations to the Governor from among the list of applicants recommended by the Commission, the Chief Legal Counsel may seek the recommendations and assistance of the Joint Bar Committee. For each applicant, the Joint Bar Committee shall report to the Governor's Chief Legal Counsel that the applicant is highly qualified, qualified or less qualified for appointment to judicial office. Failure of the Joint Bar Committee to make a recommendation within 21 days from the date of the request by the Chief Legal Counsel shall be deemed to be a "qualified" recommendation unless the Committee seeks leave from the Chief Legal Counsel in advance of that time for additional time for review for good cause.

7.3 Pendency of Recommendation: Any applicant recommended by the Commission for nomination may be considered for nomination by the Governor for any judicial office for 18 months after the date of the recommendation, subject to such updated due diligence as the Governor's Chief Legal Counsel may require.

8.0 Publication on Website and Public Distribution: This Executive Order and Appendices shall be posted on the Commission website and shall be available to the public at no charge.

9.0 Annual Report: The Executive Director shall prepare an annual report for the Commission and the Governor which shall describe the work of the Commission,

including the number of applicants, the number of interviews, the number of applicants subject to due diligence inquiries, the number of vacancies filled and the number of persons recommended to the Governor for nomination. The annual report also may include any other information requested by the Chair or Governor's Chief Legal Counsel. The annual report may be posted on the Commission website.

10.0 Effect of Order: This Executive Order shall take effect on February 3, 2006 and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.

Given at the Executive Chamber in Boston
this 3rd day of February in the year of our
Lord two thousand and six, and of the
Independence of the United States of
America two hundred and twenty-nine.



MITT ROMNEY, GOVERNOR
Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

Applicant Number: _____
(Middle Initial and Last 7 digits of your social security number)



Commonwealth of Massachusetts
Office of the Governor
Judicial Nominating Commission
Application for Judicial Appointment
Part I

Qualifications for Applicant

The qualifications for judicial office fall into two areas : (1) legal and (2) professional and personal.

Executive Order _____ specifies the legal qualifications for judicial office. Please provide the following information:

1. *Massachusetts Bar Membership:* Yes ☐ No ☐
2. *Graduate from an accredited undergraduate college or university as well as a law school accredited by the Commonwealth of Massachusetts or American Bar Association accredited law school:* Yes ☐ No ☐
3. *Resident of the Commonwealth at the time of the application:* Yes ☐ No ☐
4. *United States Citizen:* Yes ☐ No ☐
5. *Legal experience:*
Appeals Court- Have you practiced law for 13 years? Yes ☐ No ☐
Trial Court- Have you practiced law for 10 years? Yes ☐ No ☐

I. Personal Information:

1. (a) State full name: _____

(b) Have you ever used or been known by any other name? If so, please identify:

2. Residential Address: _____
(Please include your zip code)

3. (a) Residential Telephone Number: _____

(b) Personal Cell Phone Number: _____

4. Residential E-mail: _____

5. Residential Facsimile: _____

6. Office Address: _____

7. Office Telephone Number: _____

8. Office E-mail: _____

9. Office Facsimile: _____

10. Race* (Optional): _____

11. Date and place of birth: _____ Age _____

12. Are you a citizen of the United States or a naturalized citizen? _____

13. Social Security Number: _____

14. How long have you been a resident of the Commonwealth of Massachusetts immediately preceding this application? _____ years _____ months

15. Please state every residence you have had in the last ten years in the United States or elsewhere, with exact address of each, and the month and year of the beginning and ending of such residence.

16. How long have you been engaged in the active practice of law immediately preceding the date of this application?

17. How long have you been engaged in the practice of law in the Commonwealth of Massachusetts immediately preceding the date of this application?

18. Board of Bar Overseers Number: _____

19. Spouse/Domestic Partner's Full Name: _____

* This information will only be used to provide demographic statistics.

20. Spouse/Domestic Partner's Maiden/Birth Name: _____
21. Spouse/Domestic Partner's Social Security Number: _____
22. Spouse/Domestic Partner's Current Employer:
- a. Please include company name, address and phone: _____
 - b. Nature of business: _____
 - c. Title: _____
23. Please list the names of all immediate family as well as persons related to immediate family by marriage who serve as employees or elected officials of the Commonwealth.

II. References:

24. List the names, addresses, and phone numbers of up to five members of your local community (non-lawyers) whom the Judicial Nominating Commission may contact who can discuss your general character, background and any community involvement.

1 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

2 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

3 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

4 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

5 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

25. List the names, addresses, and phone numbers of up to five other persons whom the Judicial Nominating Commission may contact who can discuss your professional competence and qualifications for judicial office. (Please do not list the Governor's Chief Legal Counsel, the Executive Director of the Judicial Nominating Commission or a member of the Judicial Nominating Commission).

1 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

2 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

3 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

4 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

5 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

26. List the names, addresses and phone number of opposing attorneys involved in up to five of your most recent cases that have gone to trial. (Applicants who are currently judges should list the five most recent trials they presided over). Please state whether or not you were lead counsel and identify opposing counsel. List only those cases that have gone to trial within the past five years.

1. Case Name: _____ Docket Number: _____
v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____
Address: _____
Telephone Number: _____

Name: _____
Address: _____
Telephone Number: _____

Name: _____
Address: _____
Telephone Number: _____

Name: _____
Address: _____
Telephone Number: _____

2. Case Name: _____ Docket Number: _____
v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____
Address: _____
Telephone Number: _____

Name: _____
Address: _____
Telephone Number: _____

Name: _____

Name: _____

Address: _____

Telephone Number: _____

Address: _____

Telephone Number: _____

3. Case Name: _____

v. _____

Docket Number: _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

4. Case Name: _____

v. _____

Docket Number: _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

5. Case Name: _____

v. _____

Docket Number: _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____
Address: _____

Telephone Number: _____

Name: _____
Address: _____

Telephone Number: _____

Name: _____
Address: _____

Telephone Number: _____

Name: _____
Address: _____

Telephone Number: _____

27. List the names, addresses and phone number of opposing attorneys involved in up to five of your most recent cases that did not go to trial but which you performed significant work. (Applicants who are currently judges should list the five most recent cases they presided over that did not go to trial, but which you performed significant work).

1. Case Name: _____ Docket Number: _____
v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____
Address: _____

Telephone Number: _____

Name: _____
Address: _____

Telephone Number: _____

Name: _____
Address: _____

Telephone Number: _____

Name: _____
Address: _____

Telephone Number: _____

2. Case Name: _____ Docket Number: _____
v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____
Address: _____

Telephone Number: _____

Name: _____

Name: _____
Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Address: _____

Telephone Number: _____

3. Case Name: _____

v. _____

Docket Number: _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

4. Case Name: _____

v. _____

Docket Number: _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

5. Case Name: _____

v. _____

Docket Number: _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

CERTIFICATION AND WAIVER

I hereby swear or affirm under penalties of perjury that the information provided within my application is true and complete to the best of my knowledge and belief; and that I am a citizen of the United States and of the Commonwealth of Massachusetts, and I am licensed to practice law in Massachusetts.

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Commission may desire to obtain. I specifically authorize the Commission to obtain and examine my personnel files from current and past employers, including all files maintained by the Massachusetts Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Board of Bar Overseers. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Commission all confidential and non-confidential documents, records and information concerning me that the Commission may request.

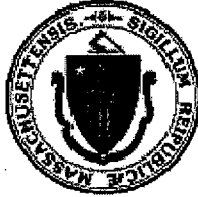
I understand the submission of this application expresses my willingness to accept appointment to the judiciary of the Commonwealth of Massachusetts, if tendered by the Governor, and further, my willingness to abide by the rules of the Judicial Nominating Commission with respect to my application and the Code of Judicial Conduct, if appointed.

Date

Signature of Applicant

Print Name

Applicant Number: _____
(Middle Initial and Last 7 digits of your social security number)



Commonwealth of Massachusetts
Office of the Governor
Judicial Nominating Commission
Application for Appointment as Clerk-Magistrate
Part II

III. Courts for which you are applying

28. Please indicate in order of preference, **the courts for which you wish to be considered**. Please indicate with specificity the courts with less than statewide jurisdiction the district or county in which you prefer to serve if appointed (i.e. Greenfield District Court). Please refer to the vacancies listed on the website.

- Appeals Court
- Superior Court
- Probate and Family Court (County)
- District Court (Division)
 - (Region)
- Boston Municipal Court
- Housing Court (City)
- Juvenile Court (City)
- Land Court

If appointed, will you accept assignments from time to time in other departments and other geographic divisions as the administrative needs of the Massachusetts Trial Court require? (Please state any limitations on your willingness to sit wherever assigned in the Trial Court.)

IV. General Information

29. a. Year admitted to the Massachusetts bar: _____
- b. Each month and year in which you took the Massachusetts Bar

Examination: _____

30. List all courts in which you have been admitted to the practice of law with dates of admission. Please provide the same information for administrative bodies which require special admission to practice.
31. Have you ever been denied admission to the Bar of any state due to failure to pass the character and fitness screening? _____. If so, please explain.
32. Have you ever had to take a bar examination more than once in order to be admitted to the bar of any state? _____. If so, please explain.
33. Have you served as a judicial law clerk or staff attorney to a court? _____
If so, state the name of the court and dates of service, and describe your experience.
34. Law Firm (If a solo practitioner please identify practice area and not the name of the practice): _____
35. If you are currently an employee of the Court system, please state the Court you are currently employed at and the position: _____

V. Military Service:

36. Have you ever served in the armed forces? _____
If so, please provide the following information:
- (a) Dates of service: _____
 - (b) Branch of service: _____
 - (c) Rank at time of discharge: _____
 - (d) Type of military discharge: _____
 - (e) Awards or citations: _____
 - (f) Have you ever been refused admission to or released from any of the armed services for reasons other than honorable discharge. If so, please state the details. _____

VI. Education

37. Please state the names and dates of attendance of all colleges and professional schools (other than law schools) attended and degrees conferred. If no degree was conferred please state the reason for leaving the education institution.

38. Please describe significant activities, honors or awards at college and/or professional school giving dates and offices or leadership positions held.
39. Please list all professional licenses or certifications acquired.
40. List all law schools, dates attended and degrees conferred. If no degree was conferred please state the reason for leaving the educational institution.
41. Did you receive any honors in law school or belong to any honorary societies or groups? _____. If yes, please list said societies and groups and provide a description of same.

VII. Employment History (Non-legal)

42. Have you ever been engaged in any occupation other than the practice of law (including any occupation while practicing)? If so, please provide details, including dates and percentage of time spent in such occupation, exclusive of part-time or summer employment during school.
43. Have you ever been discharged from employment for any reason or have you ever resigned after being informed that your employer intended to discharge you?

VIII. Legal Experience

44. Describe chronologically your employment or legal practice since becoming a member of any state bar. Include dates, names and addresses of all law offices, firms, companies or government agencies with which you have ever practiced law, the nature of your affiliation with each, the general nature of your practice, and any other relevant particulars. **Also, please provide the name and current address of a person, preferably your supervisor, who can verify your employment for each position listed below.**
45. What has been the general character of your practice in the last 5 years? Describe your typical client. Do you have any legal specialties? If the nature of your practice has changed in the last 5 years, please provide details. (You may illustrate diversity of your practice if you wish.)
46. Please describe any opportunities you have had in the course of your employment to become acquainted with the judicial process or the operations of the legal system.
47. Have you performed any (including non-legal) pro bono, public service or public interest work during the last ten years? Yes _____ No _____

Briefly describe the type of work: _____

XI. Professional

48. Books, articles or other publications authored, giving the citations and dates. Include any speeches made on issues involving court administration, business administration and legal policies.

(In responding to the next four questions, please give an account of your activities during the last five years. You are free to supplement your answers with any earlier information which you believe may aid the Commission.)

49. Describe your participation as either a faculty member or attendee in your field of competence, law courses or lectures at bar association conferences, court administration conferences, business administration conferences, law school forums, or continuing legal education programs in the last 5 years.
50. List all memberships in bar association or law-related organizations in the last ten years and any leadership positions held.
51. Please list any significant civic, educational or charitable activities, community agencies or social programs in which you have taken part in the last 5 years and, if you wish, prior to the last 5 years, giving dates and leadership positions held. Include all non-profit organizations with which you have been affiliated in the last 5 years as an officer, member, director or trustee. (Please indicate whether you participate in the organization's activities, or simply hold membership).
52. Have you held any appointive or elective public office, or have you been a candidate for elective office? If so, please provide details, excluding information regarding political affiliation.
53. List all other organizations to which you belong that are active in lobbying before public bodies.
54. Do you currently belong, or have you belonged to any organization, which discriminates on the basis of race, gender, ethnicity, sexual orientation, national origin or religion?
55. Have you ever applied for a clerk-magistrate position or judicial office? Please list dates and positions applied for, as well as whether you were nominated by the Judicial Nomination Commission and appointed:

| Court | Date | Nominated by Judicial Nominating Commission (Y/N) | Appointed by Governor (Y/N) |
|-------|------|--|-----------------------------------|
| | | | |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |

56. If a lawyer, please list case names, courts, judges and opposing counsel (and if possible, docket numbers) of the three (3) most significant cases in which you have been involved during your legal career and the nature of your involvement. Please explain why each case is significant.

1. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

2. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Name: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

3. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

57. If not a lawyer, please list three (3) examples of either: business or administration programs you assisted in the implementation of; programs were you assisted in facilitating new processes; and improvements in the court system that you helped develop.

58. Have you ever served as a master or arbitrator? If so, please provide details.

59. Do you currently serve or in the last 5 years have you served as an administrator, executor, trustee, receiver, or in any other fiduciary capacity? If so, please provide details.

X. Administration and Management

60. Please describe any administrative experience you have had in the course of your occupational activities.

61. Please describe any courses or trainings you have in administration and management.

62. Do you have any suggestions for improving the administration and management for the court you are applying for?

63. Do you have any suggestions for improving the current court filing system and time management system for the court you are applying for?

X. Conduct:

64. Have you ever been arrested, charged with, pled guilty or "nolo contendere" to, or been convicted of the violation of any federal, state or local law, regulation or ordinance (other than traffic violations for which a fine of \$50 or less was imposed)?
65. To the best of your knowledge, are you currently under investigation for any alleged violation of any law, regulation or ordinance or rule of conduct? If so, please provide details.
66. Have you ever been sued by (or yourself sued or assigned a claim for purposes of suing) a client or former client, or been a party to a fee arbitration or grievance proceeding? If so, please provide details, including docket number and court (Do not provide identifying information.)
67. Have you ever been a party to or been involved in any other legal proceedings other than as counsel? If so, please provide details. Do not list proceedings in which you were a guardian ad litem, executor or administrator, but do include all bankruptcies and proceedings in which you were a party in interest or a witness, or any grand jury proceeding in which you were a subject or a witness.
68. If as a past or current member of the armed forces, have you been the subject of any charges which resulted in disciplinary action or court martial?
69. Have you ever been declared by any court incompetent or been the subject of any civil mental health proceedings?
70. To the best of your knowledge, has any complaint ever been made against you to or by the Board of Bar Overseers or any other bar grievance committee or professional association? If so, please provide details.
71.
 - (a) Have you filed all state and federal tax returns in each year since you became a member of the bar? If not, please provide the reasons.
 - (b) Have federal, state or local authorities ever instituted a tax lien or other collection procedure against you? If so, please provide details, including case numbers and court.
72. State the nature and disposition of any the following actions which may apply to you:
 - (a) Are there any unsatisfied judgments against you?

- (b) Have you ever defaulted in the performance of any court-imposed obligations, including payment of child support or alimony or compliance with another court order or decree?
 - (c) In each case, please list the name and address of the creditor, the court which rendered the judgment, the docket number, the date, the amount of the judgment, and the circumstances on which such claim was based.
- 73. Has property owned by you been either judicially or non-judicially foreclosed? Please state the circumstances and outcome of any such unsatisfied or default judgment, or any foreclosure.
- 74. Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, please state the circumstance, docket number, and the outcome.
- 75. Is there any other information tending to reflect adversely on your personal or professional background or qualifications, or which you think might be so interpreted by others, which the Commission and the Governor should know in the interests of full disclosure.

XII. Conflict of Interest

- 76. Identify, with particularity, every entity in which you have any interest financial or otherwise.
- 77. List all corporations, partnerships, trusts, or other businesses (other than your law practice but including real estate investments other than your residence) with which you are now or during the last 5 years have been affiliated as an officer, director, trustee, partner, or equity owner of more than 1% of the voting common stock or other financial interests.
 - a. Please provide the name and address of the organization, the nature of the business, the nature of your position, and the term of your affiliation.
 - b. Please describe the nature of said interest and what steps, if any, you will take to avoid any potential conflict of interest under the Code of Judicial Conduct should you be appointed to the bench?
- 78. List each debt or loan you owe of more than \$10,000 to any non-institutional, institutional or non-family creditor.

XIII. Health

- 79. Is there any information in your medical history, such as treatment for mental illness, alcoholism or drug abuse, which might tend to affect, or appear to others to affect, your fitness for appointment? If so, please describe.

80. Is there any reason why it might be difficult for you to perform fully all of the requirements of this position? If so, please explain how you will be able to perform job-related functions, with or without reasonable accommodation.

XIV. Additional Information

81. List any hobbies or avocational interests you have.
82. Describe any experience you have had in budgeting, administration or personnel management.
83. Who is the clerk-magistrate (or clerk-magistrates or judges) with whom you have had some contact and who you believe best exemplifies the qualities a good clerk-magistrate should have? Please briefly describe your reasons.
84. Who are the 2 or 3 other attorneys in your community whom you know and believe best exemplify the qualities a good clerk-magistrate should have (even though these persons may have no interest in becoming a clerk-magistrate)? Please briefly describe your reasons.
85. List the names and addresses of any persons you think might be unfavorably disposed to your nomination to judicial office. Please describe why.
86. If you were advising the Governor on who should be appointed to the vacancy in question, what are the three or four attributes or accomplishments you believe should be given the greatest weight in assessing candidates, and how do you assess yourself?
87. What is the greatest challenge confronting the Court you are applying for and how would you address it?
88. What is the greatest asset of the court you are applying for and how would you preserve and improve it?
89. Optional: Please make any additional comments that you wish to bring to the Commission's attention regarding your experience and suitability for this judicial position.

Applicant Number: _____
(Middle Initial and Last 7 digits of your
social security number)



Commonwealth of Massachusetts
Office of the Governor
Judicial Nominating Commission
Application for Appointment as Clerk-Magistrate
Part I

Qualifications for Applicant

The qualifications for judicial office fall into two areas: (1) legal and (2) professional and personal.

Executive Order _____ specifies the legal qualifications for clerk-magistrate. Please provide the following information:

1. Graduate from an accredited undergraduate college or university:

Yes ☐ No ☐

- *If not, do you have Fifteen (15) years of experience in the court applied for or a court of comparable jurisdiction.*

Yes ☐ No ☐

2. Graduate from a law school accredited by the Commonwealth of Massachusetts or American Bar Association accredited law school:

Yes ☐ No ☐

3. Massachusetts Bar Membership:

Yes ☐ No ☐

- *Have you been a member of the Massachusetts Bar for at least three (3) years?*

Yes ☐ No ☐

- *If not a member of the Massachusetts Bar, do you have at least five (5) years of experience in the court applied for or in a court of comparable jurisdiction or five years of relevant experience?*

Yes ☐ No ☐

4. Are you a current Clerk-Magistrate of a court?

5. Resident of the Commonwealth at the time of the application: Yes ☐ No ☐

6. United States Citizen: Yes ☐ No ☐

I. Personal Information:

1. (a) State full name: _____
(b) Have you ever used or been known by any other name? If so, please identify:

2. Residential Address: _____
(Please include your zip code)

3. (a) Residential Telephone Number: _____
(b) Personal Cell Phone Number: _____

4. Residential E-mail: _____

5. Residential Facsimile: _____

6. Office Address: _____

7. Office Telephone Number: _____

8. Office E-mail: _____

9. Office Facsimile: _____

10. Race* (Optional): _____

11. Date and place of birth: _____ Age _____

12. Are you a citizen of the United States or a naturalized citizen? _____

13. Social Security Number: _____

14. How long have you been a resident of the Commonwealth of Massachusetts immediately preceding this application? _____ years _____ months

* This information will only be used to provide demographic statistics.

15. Please state every residence you have had in the last ten years in the United States or elsewhere, with exact address of each, and the month and year of the beginning and ending of such residence.
16. If a lawyer, how long have you been engaged in the active practice of law immediately preceding the date of this application?
17. If a lawyer, how long have you been engaged in the practice of law in the Commonwealth of Massachusetts immediately preceding the date of this application?
18. Board of Bar Overseers Number: _____
19. Spouse/Domestic Partner's Full Name: _____
20. Spouse/Domestic Partner's Maiden/Birth Name: _____
21. Spouse/Domestic Partner's Social Security Number: _____
22. Spouse/Domestic Partner's Current Employer:
- a. Please include company name, address and phone: _____
- b. Nature of business: _____
- c. Title: _____
23. Please list the names of all immediate family as well as persons related to immediate family by marriage who serve as employees or elected officials of the Commonwealth.

II. References:

24. List the names, addresses, and phone numbers of up to five members of your local community (non-lawyers) whom the Judicial Nominating Commission may contact who can discuss your general character, background and any community involvement.

1 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

2 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

3 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

4 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

5 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

25. List the names, addresses, and phone numbers of up to five other persons whom the Judicial Nominating Commission may contact who can discuss your professional competence and qualifications for judicial office. (Please do not list the Governor's Chief Legal Counsel, the Executive Director of the Judicial Nominating Commission or a member of the Judicial Nominating Commission).

1 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

2 Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (work) _____ (home) _____

Relationship: _____

3 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

4 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

5 Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (work) _____ (home) _____
Relationship: _____

26. List the names, addresses and phone number of opposing attorneys involved in up to five of your most recent cases that have gone to trial. Applicants who are not lawyers but who have experience in the court system should list the five most recent cases they assisted with. Please state whether or not you were lead counsel and identify opposing counsel.

1. Case Name: _____ Docket Number: _____
v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____
Address: _____
Telephone Number: _____

Name: _____
Address: _____
Telephone Number: _____

Name: _____
Address: _____
Telephone Number: _____

Name: _____
Address: _____
Telephone Number: _____

2. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

3. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

4. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Name: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

5. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

27. List the names, addresses and phone number of opposing attorneys involved in up to five of your most recent cases that did not go to trial but which you performed significant work. Applicants who are not lawyers should list the five most recent cases, court sessions or court departments for which you performed significant work.

1. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

2. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

3. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

4. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

5. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

CERTIFICATION AND WAIVER

I hereby swear or affirm under penalties of perjury that the information provided within my application is true and complete to the best of my knowledge and belief; and that I am a citizen of the United States and of the Commonwealth of Massachusetts, and I am licensed to practice law in Massachusetts.

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Commission may desire to obtain. I specifically authorize the Commission to obtain and examine my personnel files from current and past employers, including all files maintained by the Massachusetts Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Board of Bar Overseers. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Commission all confidential and non-confidential documents, records and information concerning me that the Commission may request.

I understand the submission of this application expresses my willingness to accept appointment to the judiciary of the Commonwealth of Massachusetts, if tendered by the Governor, and further, my willingness to abide by the rules of the Judicial Nominating Commission with respect to my application and the Code of Judicial Conduct, if appointed.

Date

Signature of Applicant

Print Name

Applicant Number: _____
(Middle Initial and Last 7 digits of your social security number)



Commonwealth of Massachusetts
Office of the Governor
Judicial Nominating Commission
Application for Judicial Appointment
Part II

III. Courts for which you are applying

28. Please indicate in order of preference, **the courts for which you wish to be considered**. Please indicate with specificity the courts with less than statewide jurisdiction the district or county in which you prefer to serve if appointed. (e.g. Greenfield District Court) Please refer to the vacancies listed on the website.

- Appeals Court
- Superior Court
- Probate and Family Court (County)
- District Court (Division)
 - (Region)
- Boston Municipal Court
- Housing Court (City)
- Juvenile Court (City)
- Land Court

If appointed, will you accept assignments from time to time in other departments and other geographic divisions as the administrative needs of the Massachusetts Trial Court require? (Please state any limitations on your willingness to sit wherever assigned in the Trial Court.)

IV. General Information

29. a. Year admitted to the Massachusetts bar: _____

b. Each month and year in which you took the Massachusetts Bar Examination: _____

30. List all courts in which you have been admitted to the practice of law with dates of admission. Please provide the same information for administrative bodies which require special admission to practice.
31. Have you ever been denied admission to the Bar of any state due to failure to pass the character and fitness screening? _____. If so, please explain.
32. Have you ever had to take a bar examination more than once in order to be admitted to the bar of any state? _____. If so, please explain.
33. Have you served as a judicial law clerk or staff attorney to a court? _____
If so, state the name of the court and dates of service, and describe your experience.

V. Military Service:

34. Have you ever served in the armed forces? _____
If so, please provide the following information:
- (a) Dates of service: _____
 - (b) Branch of service: _____
 - (c) Rank at time of discharge: _____
 - (d) Type of military discharge: _____
 - (e) Awards or citations: _____
 - (f) Have you ever been refused admission to or released from any of the armed services for reasons other than honorable discharge. If so, please state the details. _____

VI. Education

35. Please state the names and dates of attendance of all colleges and professional schools (other than law schools) attended and degrees conferred. If no degree was conferred please state the reason for leaving the education institution.
36. Please describe significant activities, honors or awards at college and/or professional school giving dates and offices or leadership positions held.
37. List all law schools, dates attended and degrees conferred. If no degree was conferred please state the reason for leaving the educational institution.

38. Did you receive any honors in law school or belong to any honorary societies or groups? _____. If yes, please list said societies and groups and provide a description of same.

VII. Employment History (Non-legal)

39. Have you ever been engaged in any occupation other than the practice of law (including any occupation while practicing)? If so, please provide details, including dates and percentage of time spent in such occupation, exclusive of part-time or summer employment during school.
40. Have you ever been discharged from employment for any reason or have you ever resigned after being informed that your employer intended to discharge you?

VIII. Legal Experience

41. Describe chronologically your employment or legal practice since becoming a member of any state bar. Include dates, names and addresses of all law offices, firms, companies or government agencies with which you have ever practiced law, the nature of your affiliation with each, the general nature of your practice, and any other relevant particulars. **Also, please provide the name, current address and telephone number of a person, preferably your supervisor, who can verify your employment for each position listed below.**
42. What has been the general character of your practice in the last 5 years? Describe your typical client. Do you have any legal specialties? If the nature of your practice has changed in the last 5 years, please provide details. (You may illustrate diversity of your practice if you wish.)
43. a. State the approximate number, nature and approximate length of cases you have tried to conclusion or in substantial part during each of the last 5 years. _____
- b. Approximately what percentage of your practice in the last 5 years has been devoted to litigation?
- c. Approximately what percentage of such litigation practice in the last 5 years was:
- | | |
|----------|---------|
| i. Civil | _____ % |
| Criminal | _____ % |
| Other | _____ % |
| | = 100 % |

Comment: _____

ii. Practice in:

| | |
|---------|---------|
| State | _____ % |
| Federal | _____ % |
| Other | _____ % |

iii. Of practice in State Court, percent:

| | |
|--|---------|
| Supreme Court | _____ % |
| Appeals Court | _____ % |
| Superior Court | _____ % |
| Housing and Land Court | _____ % |
| Juvenile Court (or District Court Juvenile Session) | _____ % |
| Probate and Family Court | _____ % |
| District Court/Municipal Court | _____ % |
| | = 100 % |

Comment: _____

iv. Frequency of appearance in court:

Regularly _____; Occasionally _____; Infrequently _____;
Not at all _____.

Comment: _____

v. Number of trials (bench or jury) you conducted in the past 5 years:

| | | |
|----------------|----------------|------------------|
| None _____ | 1 to 5 _____ | 6 to 11 _____ |
| 12 to 21 _____ | 22 to 30 _____ | 31 or more _____ |

Comment: _____

vi. Percent of these trials which were: Jury _____ Non-Jury _____

Comment: _____

vii. Approximate number of appellate matters handled: _____

Comment: _____

viii. Approximate number of arbitrations or administrative hearings:

| | | | |
|------------|--------------|---------------|----------------|
| None _____ | 1 to 5 _____ | 6 to 11 _____ | 12 to 21 _____ |
|------------|--------------|---------------|----------------|

22 to 30 _____ 31 or more _____

Briefly describe the type of matters heard: _____

44. Have you performed any pro bono or public interest work during the last ten years? Yes _____ No _____

Briefly describe the type of work: _____

IX. Professional

45. Books, articles or other publications authored, giving the citations and dates. Include any speeches made on issues involving constitutional or legal policy.

(In responding to the next four questions, please give an account of your activities during the last five years. You are free to supplement your answers with any earlier information which you believe may aid the Commission.)

46. Describe your participation as either a faculty member or attendee in law courses or lectures at bar association conferences, law school forums or continuing legal education programs in the last 5 years.
47. List all memberships in bar association or law-related organizations in the last ten years and any leadership positions held.
48. Please list any significant civic, educational or charitable activities, community agencies or social programs in which you have taken part in the last 5 years and, if you wish, prior to the last 5 years, giving dates and leadership positions held. Include all non-profit organizations with which you have been affiliated in the last 5 years as an officer, member, director or trustee. (Please indicate whether you participate in the organization's activities, or simply hold membership).
49. Have you held any appointive or elective public office, or have you been a candidate for elective office? If so, please provide details, excluding information regarding political affiliation.
50. List all other organizations to which you belong that are active in lobbying before public bodies.
51. Do you currently belong, or have you belonged to any organization, which discriminates on the basis of race, gender, ethnicity, sexual orientation, national origin or religion?

52. Have you served on any bar association referral panel, criminal justice panel, or legal aid or public defender boards of directors in the last 5 years? If so, please describe.
53. Have you ever applied for a judgeship? Please list dates and judgeships applied for, as well as whether you were nominated by the Judicial Nomination Commission and appointed:

| Judgeship/Court | Date | Nominated by Judicial Nominating Commission (Y/N) | Appointed by Governor (Y/N) |
|-----------------|------|---|-----------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

54. List case names, courts, judges and opposing counsel (and if possible, docket numbers) of the 5 most significant cases in which you have been involved during your legal career and the nature of your involvement. If currently a judge, list the 5 most significant cases with which you were involved prior to and/or during your appointment. Please explain why each case is significant.

1. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

2. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

3. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

4. Case Name: _____ Docket Number: _____

v. _____ Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

5. Case Name: _____

Docket Number: _____

v. _____

Judge's Name: _____

Lead Counsel: yes _____ or _____ no.

Attorneys Involved:

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

Name: _____

Address: _____

Telephone Number: _____

55. Have you ever been involved in a particularly noteworthy or controversial case? Please describe.
56. Have you ever served as a master or arbitrator? If so, please provide details.
57. Do you currently serve or in the last 5 years have you served as an administrator, executor, trustee, receiver, or in any other fiduciary capacity? If so, please provide details.

X. Conduct:

58. Have you ever been arrested, charged with, pled guilty or "nolo contendere" to, or been convicted of the violation of any federal, state or local law, regulation or ordinance (other than traffic violations for which a fine of \$50 or less was imposed)?

59. To the best of your knowledge, are you currently under investigation for any alleged violation of any law, regulation or ordinance or rule of conduct? If so, please provide details.
60. Have you ever been sued by (or yourself sued or assigned a claim for purposes of suing) a client or former client, or been a party to a fee arbitration or grievance proceeding? If so, please provide details, including docket number and court (Do not provide identifying information.)
61. Have you ever been a party to or been involved in any other legal proceedings other than as counsel? If so, please provide details. Do not list proceedings in which you were a guardian ad litem, executor or administrator, but do include all bankruptcies and proceedings in which you were a party in interest or a witness, or any grand jury proceeding in which you were a subject or a witness.
62. If as a past or current member of the armed forces, have you been the subject of any charges which resulted in disciplinary action or court martial?
63. Have you ever been declared by any court incompetent or been the subject of any civil mental health proceedings?
64. To the best of your knowledge, has any complaint ever been made against you to or by the Board of Bar Overseers or any other bar grievance committee or professional association? (If currently a judge, has any complaint ever been made against you to the Commission on Judicial Conduct?) If so, please provide details.
65. (a) Have you filed all state and federal tax returns in each year since you became a member of the bar? If not, please provide the reasons.
(b) Have federal, state or local authorities ever instituted a tax lien or other collection procedure against you? If so, please provide details, including case numbers and court.
66. State the nature and disposition of any the following actions which may apply to you:
 - (a) Are there any unsatisfied judgments against you?
 - (b) Have you ever defaulted in the performance of any court-imposed obligations, including payment of child support or alimony or compliance with another court order or decree?
 - (c) In each case, please list the name and address of the creditor, the court which rendered the judgment, the docket number, the date, the amount of the judgment, and the circumstances on which such claim was based.

67. Has property owned by you been either judicially or non-judicially foreclosed? Please state the circumstances and outcome of any such unsatisfied or default judgment, or any foreclosure.
68. Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, please state the circumstance, docket number, and the outcome.
69. Is there any other information tending to reflect adversely on your personal or professional background or qualifications, or which you think might be so interpreted by others, which the Commission and the Governor should know in the interests of full disclosure.

XI. Conflict of Interest

70. Identify, with particularity, every entity in which you have any interest financial or otherwise.
71. List all corporations, partnerships, trusts, or other businesses (other than your law practice but including real estate investments other than your residence) with which you are now or during the last 5 years have been affiliated as an officer, director, trustee, partner, or equity owner of more than 1% of the voting common stock or other financial interests.
- a. Please provide the name and address of the organization, the nature of the business, the nature of your position, and the term of your affiliation.
- b. Please describe the nature of said interest and what steps, if any, you will take to avoid any potential conflict of interest under the Code of Judicial Conduct should you be appointed to the bench?
72. List each debt or loan you owe of more than \$10,000 to any non-institutional, institutional or non-family creditor.

XII. Health

73. Is there any information in your medical history, such as treatment for mental illness, alcoholism or drug abuse, which might tend to affect, or appear to others to affect, your fitness for appointment? If so, please describe.
74. Is there any reason why it might be difficult for you to perform fully all of the requirements of this position? If so, please explain how you will be able to perform job-related functions, with or without reasonable accommodation.

XIII. Additional Information

75. List any hobbies or avocational interests you have.
76. Describe any experience you have had in budgeting, administration or personnel management.
77. Who is the judge (or judges) with whom you have had some contact and who you believe best exemplifies the qualities a good judge should have? Please briefly describe your reasons.
78. Who are the 2 or 3 other attorneys in your community whom you know and believe best exemplify the qualities a good judge should have (even though these persons may have no interest in becoming a judge)? Please briefly describe your reasons.
79. List the names and addresses of any persons you think might be unfavorably disposed to your nomination to judicial office. Please describe why.
80. If you were advising the Governor on who should be appointed to the vacancy in question, what are the three or four attributes or accomplishments you believe should be given the greatest weight in assessing candidates, and how do you assess yourself?
81. What is the greatest challenge confronting the Court you are applying for and how would you address it?
82. What is the greatest asset of the court you are applying for and how would you preserve and improve it?
83. *Please answer this question if you are applying for judicial office in the Boston Municipal Court, District Court, Superior Court, Juvenile Court and the Housing Court.*

While generally guided by statute, judges do have considerable discretion in the area of criminal justice sentencing. Depending upon their philosophies, judges may exercise this discretion to punish the offender, promote criminal rehabilitations, protection of society, and deter other criminals.

- a. Could you characterize your own views on how this discretion ought to be exercised?
 - b. Do you favor further limits on such discretion through legislation?
84. Optional: Please make any additional comments that you wish to bring to the Commission's attention regarding your experience and suitability for this judicial position.

APPENDIX A-1
LAWYER'S WRITING SAMPLE

Please attach as Appendix A-1 one example of a brief, memorandum of law, or legal opinion or similar example of legal writing (not to exceed 20 pages) prepared solely by you within the last five years. If you do not have a sample of this length, please include an excerpt from a longer writing. **Please do not exceed the 20-page limit.** Please redact your name and any identifying information.

JUDICIAL NOMINATING COMMISSION
Official Ballot

Court: _____

Name of Commissioner: _____
(Print Name)

By signing this ballot, I hereby swear under the penalties of perjury that I have complied with the Code of Conduct for Commissioners described in Section 1.5 of the Executive Order. I further certify that the foregoing votes represent my own recommendations as a matter of conscience and judgment to the best of my ability.

(Signature)